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ATLANTIC RECORDING CORPORATION;
SONY BMG MUSIC ENTERTAINMENT;
WARNER BROS. RECORDS INC.; ARISTA
RECORDS LLC; BMG MUSIC; MAVERICK
RECORDING COMPANY; UMG
RECORDINGS, INC.; and CAPITOL
RECORDS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ATLANTIC RECORDING CORPORATION, a
Delaware corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; WARNER BROS. RECORDS INC.,
a Delaware corporation; ARISTA RECORDS
LLC, a Delaware limited liability company; BMG
MUSIC, a New York general partnership;
MAVERICK RECORDING COMPANY, a
California joint venture; UMG RECORDINGS,
INC., a Delaware corporation; and CAPITOL
RECORDS, INC., a Delaware corporation,

Plaintiffs,

vs.

CHARLES SERRANO,

Defendant.

Case No.: 07CV1824 W JMA

Honorable Thomas J. Whelan

**NOTICE OF PLAINTIFFS' MOTION TO
DISMISS DEFENDANT'S
COUNTERCLAIMS PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE
12(b)(6)**

Date: December 10, 2007

Time: N/A

Location: Courtroom 7

**[NO ORAL ARGUMENT PER LOCAL
RULE]**

NOTICE OF MOTION TO DISMISS COUNTERCLAIMS

TO DEFENDANT CHARLES SERRANO AND HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that December 10, 2007, the Court will consider Plaintiffs Motion to Dismiss Defendant's Counterclaims Pursuant to Federal Rule of Civil Procedure 12(b)(6). Per local rule, no oral argument will be heard on this matter.

Plaintiffs' Motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(6). By this Motion, Plaintiffs request the Court dismiss each of Defendant's Counterclaim (Counts 1-5) on the basis that, as to each counterclaim, Defendant has failed to state a claim upon which relief can be granted.

Plaintiffs' Motion is based on this Notice, the supporting Memorandum of Points and Authorities and the pleadings, files and other matters presently on file with this Court.

Dated: November 8, 2007

JONATHAN G. FETTERLY
HOLME ROBERTS & OWEN LLP

By s/Jonathan G. Fetterly
Jonathan G. Fetterly
Attorney for Plaintiffs
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PROOF OF SERVICE
1013 A(3) CCP REVISED 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 777 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5826.

On **November 8, 2007**, I served the foregoing document described as **NOTICE OF PLAINTIFFS' MOTION TO DISMISS DEFENDANT'S COUNTERCLAIMS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)** on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☐ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONAL SERVICE: I caused the above-mentioned document to be personally served to the offices of the addressee.

☐ BY FACSIMILE: I communicated such document via facsimile to the addressee as indicated on the attached service list.

☐ BY FEDERAL EXPRESS: I caused said document to be sent via Federal Express to the addressee as indicated on the attached service list.

☒ BY ELECTRONIC MAIL: I communicated such document via **CM / ECF** electronic mail to the addressee on the attached service list.

Executed on **November 8, 2007**, at Los Angeles, California.

X (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


BARBARA E. PETERS

PROOF OF SERVICE

SERVICE LIST

VIA CM / ECF

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